

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2788 - HB 3141

February 19, 2012

SUMMARY OF BILL: Broadens the Class E felony offense of official misconduct by adding that a public servant receives a benefit not otherwise authorized by law if the public servant: purchases real property based on information that is not public knowledge that the property may later be purchased by a governmental entity; or acting under color of office or employment, communicates directly or indirectly with either the executive officer of the governmental entity concerning the purchase of such real property or with a person designated by the executive officer as the person authorized to make the decision that a government entity purchase such real property that the public servant owns or owns an option to purchase. Requires ouster provisions to be instituted upon conviction and disqualifies such offender from ever holding any office under the laws or constitution of Tennessee.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,700/Incarceration*

Assumptions:

- According to information provided by the Department of Correction (DOC), there has been an average of one admission for the Class E felony offense of official misconduct in each of the past 10 years. DOC estimates one additional Class E felony admission every five years as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class E admission every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$5,737.41 (0.20 annual number of convictions x \$28,687.03).
- Any increase in caseloads for state trial courts or for the District Attorney Generals Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.

- Due to the small number of offenders and the relatively short time served, no recidivism discount has been applied for these offenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc